

DECISION



19169 *Ruppert*
**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

FILE: B-203190

DATE: August 17, 1981

MATTER OF:

Fortec Constructors

DIGEST:

Protest filed in GAO is dismissed where protested matters are before court of competent jurisdiction, plaintiff has not requested judicial relief pending GAO decision, and court has not otherwise indicated interest in GAO decision.

Fortec Constructors (Fortec) protests the proposed award of a contract to Renshaw Construction Co., Inc., under invitation for bids (IFB) No. DACA31-81-B-0044, issued by the Department of the Army, Baltimore District, Corps of Engineers, for phase 2, Miscellaneous Water Pollution Abatement, Fort Knox, Kentucky.

Subsequent to protesting to our Office, counsel for Fortec filed suit against the Government in the United States District Court for the District of Maryland (Civil Action No. N81-2002). It is our understanding that the grounds presented as the bases for the suit are the same as those presented to this Office in support of the protest.

It is the policy of our Office not to decide protests where the material issues are pending before a court of competent jurisdiction unless the court requests, expects or otherwise expresses an interest in our decision. 4 C.F.R. § 21.10 (1981). Plaintiff, Fortec, has not requested judicial relief pending a decision by this Office, and the District Court has not indicated interest in our decision.

Therefore, the protest is dismissed. Northwest Polymeric, Inc., B-200348, November 10, 1980, 80-2 CPD 353.

F. H. Barclay, Jr.
FOR Harry R. Van Cleve
Acting General Counsel

[Protest Involving Issue Before Court of Competent Jurisdiction]
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